

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA :
 :
 : **Case No. 2:23-CR-9**
 :
 v. :
 :
 :
 RODNEY ALLEN PICKETT :

NOTICE OF CLARIFICATION

At a hearing before the Court on June 14, 2023, regarding the defendant's *pro se* motion for new counsel and defense counsel's motion to withdraw, in response to a question by the Court, the undersigned Assistant United States Attorney represented that the government had not received or reviewed any communications between the defendant and his counsel, Jay Steele.

After the hearing concluded, undersigned counsel learned that on June 12, 2023, Captain Ryan Gardner of the Coeburn Police Department reviewed one email communication from Mr. Pickett to Mr. Steele and one email communication from Mr. Steele to Mr. Pickett that were not marked as "attorney-client confidential" in the jail email system. Undersigned counsel and co-counsel were not aware of this at the time of the hearing. Captain Gardner has indicated he has not shared the content of these two emails with anyone.

Upon learning of this information, undersigned counsel instructed Captain Gardner not to share the content of the above-referenced communications with anyone and not to review any communications that appear to be between an attorney and the attorney's client without consulting our office.

Respectfully submitted,

CHRISTOPHER R. KAVANAUGH
United States Attorney

/s/ Danielle Stone

Danielle Stone

VSB No: 84503

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CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2023, I caused the foregoing to be filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for defendant.

/s/ Danielle Stone

Assistant United States Attorney